In the Claims:

Please amend the claims as follows:

1. (currently amended) An isolated promoter sequence ~~derived from~~ for the human telomerase RNA ~~(TR) (hTR) gene promoter, having approximately 505 bp~~ gene, comprising at least 272 bp upstream and at least 69 bp downstream of ~~the~~ a transcription start site ~~or a fragment thereof, capable of initiating~~ of said hTR gene as shown in Fig 4a (**SEQ ID NO: 36**), which initiates transcription of DNA operably linked downstream of said promoter.

2. (currently amended) ~~An~~ The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm505 as shown in Fig 4a (**SEQ ID NO: 36**) ~~and Fig 5a~~.

3. (currently amended) ~~An~~ The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm867 ~~230 bp in length starting at position -42 bp~~ as shown in Fig 4a (**SEQ ID NO: 36**) ~~and Fig 5a~~ upstream of the transcription start site.

4. (currently amended) ~~An~~ The isolated promoter sequence according to claim 1 having the sequence as shown in Fig 4a (**SEQ ID NO: 36**) ~~or mutant, allele, derivative or variant thereof~~ modified by insertion, addition, deletion or substitution of one or more nucleotides wherein said modified promoter has at least 60% homology over at least 40 nucleotides of said isolated promoter sequence of claim 1.

5. (currently amended) ~~An~~ The isolated promoter sequence according to claim 1 operably linked to a heterologous nucleic acid coding sequence or gene.

6. (currently amended) A nucleic acid construct comprising ~~a~~ the isolated promoter sequence according to claim 1, operably linked to a heterologous gene.

7. (currently amended) ~~A~~ The nucleic acid construct according to claim 6, wherein the heterologous gene encodes a cytotoxin.

8. (currently amended) A vector comprising ~~an~~ the isolated promoter sequence according to claim 1.

9. (currently amended) A host cell comprising ~~an~~ the isolated promoter sequence according to claim 1.

10. (currently amended) A host cell comprising ~~a~~ the nucleic acid construct according to claim 6 ~~or claim 7~~.

11–27. (cancelled)

28. (new) A host cell comprising the nucleic acid construct according to claim 7.

29. (new) A method for the treatment of cancer using a vector prepared according to claim 8 as a medicament.

30. (new) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm697 as shown in Fig 4a (**SEQ ID NO: 36**).

31. (new) The isolated promoter sequence according to claim 1 wherein the promoter sequence is construct hProm341 as shown in Fig 4a (**SEQ ID NO: 36**).

32. (new) An isolated promoter sequence for the mouse telomerase RNA (*terc*) gene as shown in Fig 4b (**SEQ ID NO: 37**), comprising at least 94 bp upstream and at least 114 bp of a transcription start site of said *terc* gene, which initiates transcription of DNA operably linked downstream of said promoter.

33. (new) The isolated promoter sequence according to claim 32 wherein the promoter sequence is construct mProm458 as shown in Fig 4b (**SEQ ID NO: 37**).

34. (new) The isolated promoter sequence according to claim 32 wherein the promoter sequence is mProm628 as shown in Fig 4b (**SEQ ID NO: 37**).

35. (new) The isolated promoter sequnce according to claim 32 wherein the promoter sequence is mProm418 as shown in Fig 4b (**SEQ ID NO: 37**).

36. (new) The isolated promoter sequnce according to claim 32 wherein the promoter sequence is mProm267 as shown in Fig 4b (**SEQ ID NO: 37**).

37. (new) The isolated promoter sequnce according to claim 32 wherein the promoter sequence is mProm208 as shown in Fig 4b (**SEQ ID NO: 37**).

38. (new) The isolated promoter sequence according to claim 32 having the sequence as shown in Fig 4b (**SEQ ID NO: 37**) modified by insertion, addition, deletion or substitution of one or more nucleotides wherein said modified promoter has at least 60% homology over at least 40 nucleotides of said isolated promoter sequence of claim 32.

39. (new) The isolated promoter sequence according to claim 32 operably linked to a heterologous nucleic acid coding sequence or gene.

40. (new) A nucleic acid construct comprising the isolated promoter sequence according to claim 32, operably linked to a heterologous gene.

41. (new) The nucleic acid construct according to claim 40, wherein the heterologous gene encodes a cytotoxin.

42. (new) A vector comprising the isolated promoter sequence according to claim 32.

43. (new) A host cell comprising an isolated promoter sequence according to claim 32.

44. (new) A method for the treatment of cancer using a vector prepared according to claim 42 as a medicament.